

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

**SOUTH ORANGE COUNTY WASTEWATER
AUTHORITY, SAN JUAN CREEK OCEAN
OUTFALL
ORANGE COUNTY, CALIFORNIA
WDID NO. 9 000000175**

**NONCOMPLIANCE WITH ORDER NO.
R9-2000-0013, NPDES NO. CA0107417,
DISCHARGE TO THE PACIFIC OCEAN
THROUGH THE SAN JUAN CREEK OCEAN
OUTFALL**

)
)
) COMPLAINT NO. R9-2003-0251
) FOR
) ADMINISTRATIVE CIVIL LIABILITY
) WITH
) MANDATORY MINIMUM PENALTY
)
) MAY 30, 2003
)
)
)

**SOUTH ORANGE COUNTY WASTEWATER AUTHORITY, IS HEREBY GIVEN
NOTICE THAT:**

1. South Orange County Wastewater Authority (SOCWA) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the Regional Board on August 13, 2003, at the Regional Board office, 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. At the hearing, SOCWA will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided to SOCWA prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

4. On December 24, 2002, SOCWA violated Order No. R9-2000-0013, NPDES NO. CA0107417, *Waste Discharge Requirements for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean through the San Juan Creek Ocean Outfall*. This violation was due to an effluent limit exceedance of settleable solids (SS) concentration (Group I pollutant) as reported in the Discharger Self-Monitoring Report for December 2002.

5. The following facts are the basis for the alleged violation in this matter:

SOCWA is authorized pursuant to Order No. R9-2000-0013 to discharge an average dry weather flowrate of 30 million gallons per day (MGD) of combined treated wastewater from four satellite facilities to the Pacific Ocean through the San Juan Creek Ocean Outfall. Order No. R9-2000-0013 was adopted on February 9, 2000.

The effluent settleable solids (SS) concentration of 7.0 mL/L reported for December 24, 2002 exceeds the maximum at any time effluent limit of 3.0 mL/L contained in Discharge Specification of Order No. R9-2000-0013. Additionally, the calculated 7-day average effluent SS limit (1.5 mL/L) was exceeded on December 24, 25, 26, 27, 28, 29, and 30.

According to CWC Section 13385(f)(2)(A), a single operational upset (SOU) in a wastewater treatment unit that treats wastewater using a biological treatment process shall be treated as a single violation, even if the operational upset results in violations of more than one effluent limitation and the violations continue for a period of more than one day. The cause of the SS violation on December 24, 2002 was reported to be a blower motor failure. In order for the Regional Board to treat the above-mentioned violations as a single violation for the purpose of calculating MMPs pursuant to CWC Sections 13385(h) and (i), the discharger must demonstrate all of the following according to CWC Section 13385(f)(2)(A)(i):

- (I) The upset was not caused by wastewater treatment operator error and was not due to discharger negligence.
- (II) But for the operational upset of the biological treatment process, the violations would not have occurred nor would they have continued for more than one day.
- (III) The discharger carried out all reasonable and immediately feasible actions to reduce noncompliance with the applicable effluent limitations.

Based on the information provided by SOCWA by letter dated May 7, 2003, the Regional Board determined that above-mentioned violations were the result of SOU and treated as a single violation.


The daily SS concentration of 7.0 mL/L reported for December 24, 2002 exceeds the effluent limitation by more than 40 percent, which constitutes a serious violation as defined in Water Code Section 13385(h)(2).

6. Under Water Code section 13385(h), the amount of the mandatory minimum penalty that must be assessed for a serious violation is \$3,000.

PROPOSED CIVIL LIABILITY

7. Pursuant to Section 13385 (h) of the Water Code, mandatory minimum penalty should be imposed on SOCWA by the Regional Board in the amount of \$3,000, the amount of the mandatory minimum penalty, for the above violation.

Dated this 30th day of May 2003



JOHN H. ROBERTUS
Executive Officer